

w/o

FILED
DATE: 11-12-2010
12:00 O'Clock P .M.
JEANNE HICKS, CLERK
BY: Tanya Brogdon
Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

DIVISION PRO TEM B
HON. WARREN R. DARROW
CASE NO. P1300CR20081339

JEANNE HICKS, CLERK
BY: T. Brogdon, Deputy Clerk
DATE: November 12, 2010

TITLE:

COUNSEL:

STATE OF ARIZONA,

Joseph C. Butner III, Esq.
Jeffrey Paupore, Esq
Yavapai County Attorneys
(via OnBase),

(Plaintiff)

(For Plaintiff)

VS.

STEVEN CARROLL DEMOCKER,

Craig Williams
DeRienzo and Williams
(via electronic mail)

(Defendant)

(For Defendant)

| HEARING ON: | NATURE OF PROCEEDINGS | COURT REPORTER |
|-------------------|-----------------------|----------------|
| STATUS CONFERENCE | | Mina Hunt |

START TIME: 10:03 a.m

APPEARANCES. Joseph Butner, Deputy County Attorney
Jeffrey Paupore, Deputy County Attorney
Jack Fields, Deputy County Attorney
Steven Carroll DeMocker, Defendant, in custody
John Sears, Counsel for Defendant
Larry Hammond, Co-Counsel for Defendant
Dean Trebesch, Yavapai County Public Defender
Craig Williams, Newly appointed Counsel for Defendant
Greg Parzych, Newly appointed Co-Counsel for Defendant (telephonic)

Counsel, Craig Williams advises after conducting a conflict of interest check, there appears to be no potential conflict of interest found and is willing to represent Defendant in both cases (P1300CR20081339 and V1300CR201080461).

IT IS ORDERED appointing Mr Williams and Mr. Parzych to represent Defendant in this case (P1300CR20081339).

IT IS ORDERED granting the Defense team's motion in full, withdrawing them from representation in this case in any capacity.

Court and Counsel discuss Defendant's solitary confinement for the past seven weeks.

Counsel, Larry Hammond requests the solitary confinement issue be treated as a matter of first importance.

Counsel, Joe Butner advises the State has no objection but requests that Defendant file a written Motion concerning release conditions.

Court and Counsel discuss State's Bench Memorandum regarding mistrial in this case dated November 10, 2010.

Counsel, Craig Williams proposes scheduling a Status Conference in a month to give time to review the file. Court and Counsel can then discuss a realistic time for a trial date.

Counsel, Joe Butner advises that the State is ready to proceed with the trial and argues the State's position in the matter

Counsel, Craig Williams requests the Court seal the State's Bench Memorandum. Counsel believes the Court should declare a mistrial in this case and requests a brief recess to discuss mistrial issues with Co-Counsel Parzych.

~~~Recess~~~

At 11:14 a.m. Court reconvenes and all previously appearing parties are present.

Counsel, Craig Williams moves for a mistrial in this case, but does not waive the defensibility to file at a later date a Motion to Dismiss with prejudice.

Counsel, Joe Butner has no objection to the Motion for Mistrial by the Defense and advises the dismissal should be with prejudice at a subsequent time.

**IT IS ORDERED** declaring a mistrial without prejudice subject to a later motion. The issue of whether or not double jeopardy attaches will be deferred and subject to later Motion and Oral Argument.

**IT IS FURTHER ORDERED** the jurors are released from this case and from the admonition. The Court will notify the jurors via email to the Jury Commissioner and will follow up with a general personal letter.

Court and Counsel further discuss the release of the jurors from this case.

**IT IS ORDERED** setting a Case Management Conference on December 13, 2010 at 9:00 a.m. before this Division.

Court and Counsel discuss the request to unseal documents and other pending issues to be addressed at the next scheduled hearing on November 23, 2010.

Counsel, Craig Williams requests a one month continuance and that any sealed documents remain sealed until the new Defense has had a chance to brief this issue.

Counsel, Greg Parzych requests all issues be heard on December 13, 2010 where all parties can be present.

Counsel, Joe Butner requests that the the November 23, 2010 date be preserved.

Counsel, Craig Williams concurs with the State and requests to keep the November 23, 2010 date.

**IT IS ORDERED** this minute entry be sent to all persons who received the October 29, 2010 minute entry.

**IT IS ORDERED** setting a Status Conference on November 23, 2010 at 10:00 a.m. before this Division. Counsel, Craig Williams moves to have V1300CR201080461 assigned to this Division. Counsel Williams requests a 30 day extension to complete the 12.9 Motion.

Counsel for State has no objection to the re-assignment of the new case to this Division, and no objection to an extension of time to respond to a 12.9 Motion.

The Court advises this case has been conducted as a Division 6 case with Judge Darrow acting as a Pro Tem Judge in this case.

Counsel, Craig Williams requests the Court order November 29, 2010 be the deadline for the 12.9 response in the new case (V1300CR201080461)

**IT IS ORDERED** November 29, 2010 is the deadline for the 12.9 response in the new case (V1300CR201080461).

Counsel, Craig Williams requests the preparation of transcripts of all witnesses who have testified in this case.

**IT IS ORDERED** the preparation of transcripts of all witnesses who have testified in this case be completed.

Counsel, Craig Williams requests the opening arguments.

**IT IS ORDERED** the opening arguments be prepared in this case.

Counsel, Craig Williams and Greg Parzych requests all exhibits be held by the Clerk of Court.

Counsel, Joe Butner requests all exhibits be released back to the parties.

Counsel, Craig Williams requests a list of exhibits be provided to the State and the Defense to review by December 13, 2010

**IT IS ORDERED** releasing the following exhibits: bicycle and golf club. All other exhibits shall remain in the possession of the Clerk of Court.

**IT IS ORDERED** confirming the existing conditions of release.

Counsel, Craig Williams concurs with the Court that time is excluded.

**END TIME: 12:00 p.m.**

**THEREAFTER OFF THE RECORD:** The Court clarifies that the bicycle tires are released rather than the bicycle

cc: Victim Services (e)  
Yavapai County Public Defender (e)  
Division 6  
Division PTB (e)  
YCSO – Detention Records (e)  
John Napper, Counsel for Renee Girard (e)  
Christopher DuPont, Trautman DuPont PLC  
Counsel for Victims Charlotte and Katherine DeMocker (e)  
John Sears (withdrawn) (e)  
Larry Hammond & Anne Chapman, Osborn Maledon, P A (withdrawn) (e)  
Jury Commissioner  
Prescott Exhibit Clerk  
Steptoe & Johnson, LLP, Collier Center, 201 East Washington Street, Suite 1600, Phoenix,  
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William E Williams, 824 West Gurley Street, Suite 129, Prescott, Arizona 86305